

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:09-cv-00485-SEB-JMS**

HECKLER & KOCH, INC. v. PRECISION AIRSOFT, LLC

Date Filed: 04/20/2009

Assigned to: Judge Sarah Evans Barker

Date Terminated: 03/25/2010

Referred to: Judge Jane Magnus-Stinson

Jury Demand: None

Case in other court: Marion County Superior Court,  
49D07-0903-PL-013811

Nature of Suit: 840 Trademark

Cause: 28:1331 Fed. Question: Trademark

Jurisdiction: Federal Question

**Plaintiff**

**HECKLER & KOCH, INC.**

represented by **Brian J. McGinnis**  
CONTINENTAL ENTERPRISES  
1292 E. 91st Street  
Indianapolis, IN 46240  
(317) 818-0523  
Fax: (317) 566-2453  
Email: bmcginnis@ce-ip.com  
*ATTORNEY TO BE NOTICED*

**Darlene R. Seymour**

1292 E. 91st Street  
Indianapolis, IN 46240  
(317) 818-0523  
Fax: (317) 566-2453  
Email: dseymour@ce-ip.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**PRECISION AIRSOFT, LLC**

represented by **Alan L. Barry**  
K & L GATES LLP  
70 W. Madison St., Ste 3100  
Chicago, IL 60602-4207  
312-807-4438  
Fax: 317-827-8196  
Email: alan.barry@klgates.com  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Briana Lynn Kovac**

BINGHAM MCHALE LLP  
10 West Market Street  
Market Tower, Suite 2700  
Indianapolis, IN 46204  
317-968-5481  
Fax: 317-236-9907  
Email: bkovac@binghamchale.com

**Douglas B. Greenswag**  
K & L GATES LLP  
925 Fourth Avenue  
Suite 2900  
Seattle, WA 98104-1158  
(206) 370-6688  
Fax: (206) 370-6188  
Email: douglas.greenswag@klgates.com  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Emily R. Sherrer**  
KLGATES LLP  
70 W. Madison St., Ste. 3100  
Chicago, IL 60602-4207  
(312) 372-1121  
Fax: (312) 558-5042  
Email: emily.sherrer@klgates.com  
**TERMINATED: 02/23/2010**  
**PRO HAC VICE**

**James M. Hinshaw**  
BINGHAM MCHALE LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, IN 46204-2982  
(317)968-5385  
Fax: (317)236-9907  
Email: jhinshaw@binghamchale.com  
**ATTORNEY TO BE NOTICED**

**Lee B. McTurnan**  
BINGHAM MCHALE LLP  
10 West Market Street  
Market Tower, Suite 2700  
Indianapolis, IN 46204  
(317) 635-8900  
Fax: (317) 236-9907  
Email: lmcturnan@binghamchale.com  
**TERMINATED: 07/15/2009**

**Marron A. Mahoney**  
KLGATES LLP  
70 W. Madison St., Ste. 3100  
Chicago, IL 60602-4207  
312-807-4219  
Fax: 312-345-8529  
Email: marron.mahoney@klgates.com  
**TERMINATED: 07/31/2009**  
**PRO HAC VICE**

Date Filed	#	Docket Text
04/20/2009	I 1	NOTICE OF REMOVAL from Marion County Superior Court, case number 49D07-0903-PL-013811, filed by PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Exhibit A-letter, # <u>2</u> Exhibit A-Appearance-D. Seymour, # <u>3</u> Exhibit A-summons, # <u>4</u> Exhibit A-complaint, # <u>5</u> Exhibit A-Appearance-L. McTurnan, # <u>6</u> Exhibit A-Appearance-B. Kovac, # <u>7</u> Exhibit A-Motion, # <u>8</u> Exhibit B-Notice)(DH) (Entered: 04/21/2009)
04/20/2009	I 2	CIVIL COVER SHEET filed by Defendant, PRECISION AIRSOFT, LLC. (DH) (Entered: 04/21/2009)
04/20/2009	I 3	RECEIPT #IP012169 in the amount of \$350.00 for filing fee. (DH) (Entered: 04/21/2009)
04/20/2009	I 4	NOTICE of Appearance by Briana Lynn Kovac on behalf of Defendant, PRECISION AIRSOFT, LLC. (DH) (Entered: 04/21/2009)
04/20/2009	I 5	NOTICE of Appearance by Lee B. McTurnan on behalf of Defendant, PRECISION AIRSOFT, LLC. (DH) (Entered: 04/21/2009)
04/20/2009	I 6	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DH) (Entered: 04/21/2009)
04/21/2009	I 7	NOTICE of Initial Filing in lawsuit sent to Director of U.S. Patent and Trademark Office. (Attachments: # <u>1</u> Notice of Removal, # <u>2</u> Complaint) (MAC) (Entered: 04/21/2009)
04/22/2009	I 8	NOTICE of Parties' First Extension of Time, filed by Defendant PRECISION AIRSOFT, LLC. (McTurnan, Lee) (Entered: 04/22/2009)
05/15/2009	I 9	MOTION for Attorney(s) Alan L. Barry and Marron A. Mahoney to Appear pro hac vice., filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Affidavit of Alan L. Barry and Marron A. Mahoney, # <u>2</u> Text of Proposed Order)(McTurnan, Lee) (Entered: 05/15/2009)
05/15/2009	I 10	MOTION for Attorney(s) Douglas B. Greenswag to Appear pro hac vice., filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Exhibit A -- Court Admissions for Douglas B. Greenswag, # <u>2</u> Affidavit of Douglas B. Greenswag, # <u>3</u> Text of Proposed Order)(McTurnan, Lee) (Entered: 05/15/2009)
05/15/2009	I 11	RECEIPT #IP012712 in the amount of \$ 90.00 for Pro Hac Fees – Greenswag, Barry and Mahoney (MAC) (Entered: 05/18/2009)
05/18/2009	I 12	ORDER granting <u>9</u> Motion to Appear pro hac vice. Attorney Alan L. Barry and Marron A. Mahoney for PRECISION AIRSOFT, LLC added cm. Signed by Judge Sarah Evans Barker on 5/18/2009. (MAC) Modified on 5/18/2009 (MAC). (Entered: 05/18/2009)
05/18/2009	I 13	ORDER granting <u>10</u> Motion to Appear pro hac vice. Attorney Douglas B. Greenswag for PRECISION AIRSOFT, LLC added cm. Signed by Judge Sarah Evans Barker on 5/18/2009. (MAC) (Entered: 05/18/2009)
05/27/2009	I 14	MOTION for Extension of Time to June 26, 2009 ( <i>With Consent Of Plaintiff</i> ), filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order Granting Precision Airsoft LLC's Unopposed Motion For Extension)(McTurnan, Lee) (Entered: 05/27/2009)

05/28/2009	<u>I 15</u>	ORDER granting defendant's <u>14</u> Motion for Extension of Time to File Answer, move or otherwise respond to the Complaint to 6/26/09. Signed by Judge Jane Magnus-Stinson on 5/28/2009. (MAC) (Entered: 05/28/2009)
06/02/2009	<u>I 16</u>	NOTICE of Appearance by Marron A. Mahoney on behalf of Defendant PRECISION AIRSOFT, LLC. (Mahoney, Marron) (Entered: 06/02/2009)
06/26/2009	<u>I 17</u>	ANSWER to Complaint, filed by PRECISION AIRSOFT, LLC.(McTurnan, Lee) (Entered: 06/26/2009)
06/29/2009	<u>I 18</u>	NOTICE to File Corporate Disclosure Statement to PRECISION AIRSOFT, LLC. (LAB) (MAC) (Entered: 06/29/2009)
06/29/2009	<u>I 19</u>	Corporate Disclosure Statement by HECKLER & KOCH, INC.. (Seymour, Darlene) (Entered: 06/29/2009)
06/29/2009	<u>I 20</u>	NOTICE of Answer in lawsuit sent to Director of U.S. Patent and Trademark Office. (Attachments: # <u>1</u> Answer) (MAC) (Entered: 06/29/2009)
06/29/2009	<u>I 21</u>	ENTRY regarding CMP and Initial Pretrial Conference. SCHEDULING ORDER: Initial Pretrial Conference set for 8/25/2009 01:00 PM in room #361 before Judge Jane Magnus-Stinson. The CMP is due no later than 14 days prior to the ipc (see Entry for other details). Signed by Judge Jane Magnus-Stinson on 6/29/2009.(SWM) (Entered: 06/29/2009)
06/30/2009	<u>I 22</u>	Corporate Disclosure Statement by PRECISION AIRSOFT, LLC. (McTurnan, Lee) (Entered: 06/30/2009)
07/14/2009	<u>I 23</u>	MOTION to Withdraw as Attorney <i>For Defendant</i> , filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order Granting Lee B. McTurnan Leave To Withdraw)(McTurnan, Lee) (Entered: 07/14/2009)
07/14/2009	<u>I 24</u>	NOTICE of Appearance by James M. Hinshaw on behalf of Defendant PRECISION AIRSOFT, LLC. (Hinshaw, James) (Entered: 07/14/2009)
07/15/2009	<u>I 25</u>	ORDER granting <u>23</u> Motion to Withdraw as Attorney. Attorney Lee B. McTurnan withdrawn. Signed by Judge Sarah Evans Barker on 7/15/2009. (MAC) (Entered: 07/16/2009)
07/16/2009	<u>I 26</u>	MOTION for Attorney(s) Emily R. Sherrer to Appear pro hac vice., filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Affidavit Emily R. Sherrer, # <u>2</u> Text of Proposed Order Order)(Kovac, Briana) (Entered: 07/16/2009)
07/16/2009	<u>I 27</u>	RECEIPT #IP013616 in the amount of \$ 30.00 for Pro Hac Fee – Sherrer (MAC) (Entered: 07/17/2009)
07/17/2009	<u>I 28</u>	ORDER granting <u>26</u> Motion to Appear pro hac vice. Attorney Emily R. Sherrer for PRECISION AIRSOFT, LLC added cm. Signed by Judge Sarah Evans Barker on 7/17/2009. (MAC) (Entered: 07/17/2009)
07/24/2009	<u>I 29</u>	SCHEDULING ENTRY: The initial pretrial conference set for August 25, 2009 is VACATED AND RESET for August 28, 2009, at 3:00 P.M. in Room 361, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Issued by Judge Jane Magnus-Stinson on 7/24/09.(SWM) (Entered: 07/24/2009)

07/30/2009	<u>I 30</u>	NOTICE of Substitution of Appearance by Emily R. Sherrer replacing <i>Marron Mahoney</i> on behalf of PRECISION AIRSOFT, LLC (Sherrer, Emily) (Entered: 07/30/2009)
07/31/2009	<u>I 31</u>	MOTION to Change Venue, filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Sherrer, Emily) (Entered: 07/31/2009)
07/31/2009	<u>I 32</u>	BRIEF/MEMORANDUM in Support re <u>31</u> MOTION to Change Venue, filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Sherrer, Emily) (Entered: 07/31/2009)
07/31/2009	<u>I 33</u>	ORDER APPROVES re <u>30</u> Notice of Substitution of Appearance filed by PRECISION AIRSOFT, LLC. Emily R. Sherrer hereby substitutes her appearance for Marron Mahoney, who hereby withdraws her appearance for Precisions Airsoft, LLC in this matter. (Marginal Notation). Signed by Judge Sarah Evans Barker on 7/31/2009.(MAC) (Entered: 07/31/2009)
08/07/2009	<u>I 34</u>	NOTICE of Appearance by Brian J. McGinnis on behalf of Plaintiff HECKLER & KOCH, INC.. (McGinnis, Brian) (Entered: 08/07/2009)
08/10/2009	<u>I 35</u>	SCHEDULING ENTRY: The initial pretrial conference, TIME ONLY, set for August 28, 2009 is RESET for 11:00 A.M. in Room 361, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Issued by Judge Jane Magnus-Stinson on 8/10/09.(SWM) (Entered: 08/11/2009)
08/14/2009	<u>I 36</u>	CASE MANAGEMENT PLAN TENDERED, filed by Defendant PRECISION AIRSOFT, LLC <i>Joint Case Management Plan</i> . (Attachments: # <u>1</u> Supplement Case Management Plan Summary)(Sherrer, Emily) (Entered: 08/14/2009)
08/17/2009	<u>I 37</u>	***WITHDRAWN PER <u>40</u> ***STIPULATION for Extension of Time to Respond to Defendant's Motion to Transfer Venue, filed by Plaintiff HECKLER & KOCH, INC.. (McGinnis, Brian) Modified on 8/18/2009 (MAC). (Entered: 08/17/2009)
08/17/2009	<u>I 38</u>	MOTION to Withdraw <u>37</u> Stipulation of Extension of Time to Respond to Defendant's Motion to Transfer Venue, filed by Plaintiff HECKLER & KOCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(McGinnis, Brian) (Entered: 08/17/2009)
08/17/2009	<u>I 39</u>	MOTION for Extension of Time to 08/24/2009 to file response to <u>31</u> MOTION to Change Venue, filed by Plaintiff HECKLER & KOCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Extension of Time)(McGinnis, Brian) (Entered: 08/17/2009)
08/18/2009	<u>I 40</u>	ORDER granting <u>38</u> Motion to Withdraw <u>37</u> Stipulation. Signed by Judge Sarah Evans Barker on 8/18/2009. (MAC) (Entered: 08/18/2009)
08/18/2009	<u>I 41</u>	ORDER granting pltf's <u>39</u> Motion for Extension of Time to File Response re <u>31</u> MOTION to Change Venue. Response due by 8/24/2009. Signed by Judge Jane Magnus-Stinson on 8/18/09. (SWM) (Entered: 08/19/2009)
08/20/2009	<u>I 42</u>	NOTICE of Compliance, filed by Defendant PRECISION AIRSOFT, LLC (Kovac, Briana) (Entered: 08/20/2009)
08/24/2009	<u>I 43</u>	RESPONSE in Opposition re <u>31</u> MOTION to Change Venue, filed by Plaintiff HECKLER & KOCH, INC.. (McGinnis, Brian) (Entered: 08/24/2009)

08/28/2009	<u>I 44</u>	ORDER: CASE MANAGEMENT PLAN APPROVED AS AMENDED. Dispositive Motions due by 3/22/2010. If the required conference under LR 37.1 does not resolve discovery issues that may arise, the parties are advised to request a phone status conference prior to filing any motion to compel or for protective order. Additionally, the parties are advised to not only number but to add a descriptive identifier for any exhibits which are electronically filed (see Order for example and other details). Signed by Judge Jane Magnus-Stinson on 8/28/09.(SWM) (Entered: 08/31/2009)
08/28/2009	<u>I 45</u>	Minute Entry for proceedings held before Judge Jane Magnus-Stinson: Initial Pretrial Conference held on 8/28/2009. Defendant's reply on venue motion will be timely filed. CMP approved as amended. Settlement conference is set for November 19, 2009 at 9:00 a.m. by separate order. (SWM) (Entered: 08/31/2009)
08/31/2009	<u>I 46</u>	ORDER Setting Settlement Conference and Related Deadlines. SCHEDULING ORDER: Settlement Conference set for 11/19/2009 09:00 AM in room #361 before Judge Jane Magnus-Stinson. Confidential settlement statements due three business days prior to the conference (see Order for details). Signed by Judge Jane Magnus-Stinson on 8/31/09.(SWM) (Entered: 09/01/2009)
09/03/2009	<u>I 47</u>	REPLY in Support of Motion re <u>31</u> MOTION to Change Venue, filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Exhibit A (Plaintiff's Initial Disclosures))(Hinshaw, James) (Entered: 09/03/2009)
09/21/2009	<u>I 48</u>	Witness List and Exhibit List (Preliminary), filed by Plaintiff HECKLER & KOCH, INC.. (McGinnis, Brian) (Entered: 09/21/2009)
10/20/2009	<u>I 49</u>	Witness List and Exhibit List (Preliminary), filed by Defendant PRECISION AIRSOFT, LLC. (Kovac, Briana) (Entered: 10/20/2009)
11/10/2009	<u>I 50</u>	MOTION for Continuance of the November 19, 2009 Settlement Conference, filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Kovac, Briana) (Entered: 11/10/2009)
11/13/2009	<u>I 51</u>	ORDER denying deft's <u>50</u> Motion for Continuance of Settlement Conference currently set for 11/19/2009. The deft's out of state counsel and client representative may appear at the settlement conference by telephone. Local counsel may appear at the client's discretion. Signed by Judge Jane Magnus-Stinson on 11/13/2009. (SWM) (Entered: 11/13/2009)
11/19/2009	<u>I 52</u>	Minute Entry for proceedings held before Judge Jane Magnus-Stinson: Settlement Conference held on 11/19/2009 and case is not resolved. Follow-up status conference is set for December 15, 2009 at 2:30 p.m. Counsel to call the court at the number provided. All case management plan deadlines are stayed, however, neither party is precluded from seeking discovery.(SWM) (Entered: 11/20/2009)
12/15/2009	<u>I 53</u>	NOTICE OF SUBMISSION OF SUPPLEMENTAL AUTHORITY, filed by Defendant PRECISION AIRSOFT, LLC, re <u>31</u> MOTION to Change Venue. (Attachments: # <u>1</u> Exhibit A -- Entry on Motion to Transfer Venue) (Kovac, Briana) (Entered: 12/15/2009)
12/15/2009	<u>I 54</u>	Minute Entry for proceedings held before Judge Jane Magnus-Stinson: Telephone Status Conference held on 12/15/2009. Discussion held regarding status of negotiations. Parties are continuing settlement discussions, and agree

that the current stay of CMP deadlines shall remain in place. It is so ordered. Telephonic status conference is set for January 20, 2010 at 1:30 p.m. at which the status of negotiations will be addressed. Counsel to call the court at the number provided. (SWM) (Entered: 12/15/2009)

12/17/2009	<u>I 55</u>	Submission of <i>Additional Supplemental Authority</i> , filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Exhibit A – Order Transferring Venue, # <u>2</u> Exhibit B – Order Transferring Venue, # <u>3</u> Exhibit C – Order Transferring Venue, # <u>4</u> Exhibit D – Order Transferring Venue, # <u>5</u> Exhibit E – Order Transferring Venue, # <u>6</u> Exhibit F – Order Transferring Venue)(Kovac, Briana) (Entered: 12/17/2009)
01/19/2010	<u>I 56</u>	MOTION for Continuance ( <i>Agreed Motion to Continue the January 20, 2010 Telephonic Status Conference</i> ), filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Agreed Motion to Continue the January 20, 2010 Telephonic Status Conference)(Kovac, Briana) (Entered: 01/19/2010)
01/19/2010	<u>I 57</u>	ORDER granting <u>56</u> Motion for Continuance of Telephonic Status Conference. The Court, having received Precision Airsoft, LLCs Agreed Motion to Continue the January 20, 2010 Telephonic Status Conference, being duly and fully advised, and finding that said motion should be granted; IT SHALL BE AND IS HEREBY ORDERED THAT: The telephonic statusconference presently set in this matter for January 20, 2010 is vacated. A telephonic status conferenceis set for February 22, 2010 at 2:30 p.m. Signed by Judge Jane Magnus–Stinson on 1/19/2010. (MRI) (Entered: 01/19/2010)
02/17/2010	<u>I 58</u>	MOTION to Withdraw as Attorney <i>Emily R. Sherrer</i> , filed by Defendant PRECISION AIRSOFT, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Barry, Alan) (Entered: 02/17/2010)
02/22/2010	<u>I 59</u>	ENTRY FOR FEBRUARY 22, 2010. The court has been advised that the parties are close to reaching a settlement. The status conference set for February 22, 2010 is hereby vacated and reset for March 11, 2010 at 10:30 a.m. Counsel shall call the Court at 317–229–3670. Should the parties reach a settlement before the next conference, they should notify the court. Signed by Judge Jane Magnus–Stinson on 2/22/2010.(MRI) (Entered: 02/22/2010)
02/23/2010	<u>I 60</u>	ORDER granting <u>58</u> Motion to Withdraw as Attorney. Attorney Emily R. Sherrer withdrawn. Signed by Judge Sarah Evans Barker on 2/23/2010. (MAC) (Entered: 02/24/2010)
03/11/2010	<u>I 61</u>	Minute Entry for proceedings held before Judge Jane Magnus–Stinson: Telephone Status Conference held on 3/11/2010. The status and development of the action were discussed, and as a result of this conference the following Entry is made pursuant to Rule 16(d) of the Federal Rules of Civil Procedure. The parties report that settlement negotiations have reached a sticking point. After discussion, the parties agreed to submit confidential statements to the magistrate judge outlining their respective settlement positions by March 18, 2010. Parties further ordered to submit a revised CMP by April 11, 2010. Telephonic case status set for April 20, 2010 at 8:45 a.m. Counsel to call the court at the number provided. (SWM) (Entered: 03/12/2010)
03/25/2010	<u>I 62</u>	ORDER granting <u>31</u> Motion to Transfer. This case is ordered transferred to the Eastern District of Washington. Signed by Judge Sarah Evans Barker on 3/25/2010. (LBK) (Entered: 03/25/2010)

03/25/2010	<u>I</u> 63	CLOSED TRANSFER to Eastern District of Washington. Signed by Judge Sarah Evans Barker on 3/25/2010.(LBK) (Entered: 03/25/2010)
------------	-------------	--

Case #: 1:09-cv-00485-SEB-JMS